



**Minutes
COUNCIL MEETING
City Hall – Bel Aire, Kansas
July 26, 2016
7:00 P.M.**



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- I. CALL TO ORDER** - Mayor David Austin called the City of Bel Aire Council meeting to order, July 26, 2016 at 7:00 pm.
 - II. ROLL CALL** Council Members present Dr. Ramona Becker, Guy MacDonald, Betty Martine, and Diane Wynn. Council Members absent Peggy O'Donnell. Also present City Attorney Alison McKenney-Brown, City Manager Ty Lasher, and City Clerk/Utility Clerk Jamie Hayes.
 - III. MOMENT OF SILENT PRAYER** - A moment of silent prayer was led by Mayor David Austin.
 - IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG** – The Pledge of Allegiance to the American Flag was led by Mayor David Austin. Mayor Austin noted that Mrs. O'Donnell is at home recovering from her recent surgery and that she wanted to thank everyone for the cards, flowers, and prayers.
 - V. DETERMINE AGENDA ADDITIONS**
 - VI. CONSENT AGENDA**
 - A.** Minutes of the July 5, 2016 City Council Meeting.
 - B.** Minutes of the July 11, 2016 Special City Council Meeting.

MOTION: Dr. Becker made a motion to approve the consent agenda as listed and authorize the Mayor to sign. Seconded by Ms. Martine. **Motion carried 4-0.**

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

- A.** Appropriations Ordinance 16-14 in the amount of \$244,838.49.

MOTION: Dr. Becker made a motion to approve appropriations Ordinance 16-14. Seconded by Ms. Wynn. **Motion carried 4-0.**

VIII. CITY REQUESTED APPEARANCES: None

IX. CITIZEN CONCERNS: Oral communication from the audience (*Please move to the podium and state your name & address so that you can be clearly heard by the viewing public as well as the Governing Body. Comments are limited to three (3) minutes unless additional time is granted by the Mayor*).

Lyle Ackerman: Glad to be here Mr. Mayor, Council members and Staff. I'm here for a couple items this evening. One is to thank you for opening up the, I call it the limb patch, on Saturday mornings and also for clean up here a couple weeks ago. It obviously was well attended and I'm sure you all can attest to that by the number of drop offs. One caveat there, and it might be petty, but a couple weeks ago when you were going to have the drop off I had a funeral to go to that morning and I was a little bit in a hurry so I was the second person up there and I came in from the east. Which I do every time and again being a little bit impatient, but there were 5 individuals looking at me across the cable and it was a quarter till and we stood and looked at each other for 15 minutes. You know me I don't mind getting out and saying hey what's the deal here. They said we were told we will not open up this place until 9am and they did not. Maybe they were afraid they were going to lose their job. Enough said about that. The other item is I've been an advocate for a long time for infrastructure in the City of Bel Aire and I guess I went to sleep for a number of years and I guess I've woken up again when I go over some of the bumpy streets and see some other areas. My last one is drainage ways and ditches and I'm sure you've all seen a couple of my e-mails here lately. The City does a wonderful job better than they've done in many years in keeping up with the roadways and ditches and the water ways, I was going to say streets too, but I'll back up on that in just a little bit. And I've got a nice report and I've failed to notice it that Ty had his staff put together regarding the drainage over on north fork and I agree with just about everything he said except I don't think that from the north area on the Woodlawn drainage system is being maintained to the point that it needs to be to get that water out from under the railroad tracks there. In a 500 year flood if that's what we had here a few weeks ago that handled that water just fine and it will handle it again, but not if the culverts get obstructed or flooded, not flooded but obstructed or blocked with debris or fallen trees or limbs. Which there are some accumulating in that drainage ditch. Previous administrations have, going back to Mayor Smith and Mayor O'Neal and their administrations have cleaned that ditch out periodically so precedence has already been set to do that. And so I'm not asking for the thing to be mowed with a mower after we get through but I think at least if the debris and the fallen trees etc. could be cleaned up there so it's not at risk of flood or obstructing those culverts I'm plenty good with that. I'm sure my times up. Anyways thanks for your consideration in that regard.

X. REPORTS:

A. Mayor's Report

Mayor Austin: As far as my report I have nothing formal to report but do want to let everybody know coming up on August 15th, make sure you mark your calendar, it's Lucky's favorite day, it's the Hot Dawgs Pool Party. Tristin and staff have worked very hard as has the Community Development Advisory Committee, that's August 15th the Hot Dawgs Pool Party right here at the Central Park Pool. Look for that in the upcoming weeks. Speaking of the Community Development Advisory Committee, that is a committee that puts together events here with the purpose of promoting our City, it used to be the Economic Advisory Committee. It's a group that promotes the City and everything that we have to offer. I've been a part of it for many many years and we have a couple of openings on that. So if you or if you know of anyone at home or in the audience that might be interested in serving on that would you please send me an e-mail here at City Hall. I'm sure we probably have that on our website where you can find all of that contact information. We have several committees here inside City Hall that meet and these are volunteer committees, our Planning Commission, our Utility Advisory Committee, our Tree Board, these are all volunteer committees and I just want you guys to know I appreciate everything you guys do for the City. That's the end of my report, we'll go ahead and start with Council Member reports we'll start with Council Member Martine.

B. Council Member Reports

Ms. Martine: I attended the Planning Commission meeting which was very interesting and also the Board of Directors for Reap and instead of taking up everybody's time telling you what all went on I just made copies if you could pass those on. I already gave Ty and Jamie one so that's the end of my report.

Ms. Wynn: Really have very little to report but I might mention I got this late this afternoon, Tristin and Jenny are putting out a newsletter it is excellent. I got it just this afternoon about 4:00 so if you don't, it came e-mail for me, can they get it in the mail?

Mr. Lasher: No, it's just an e-mail to save on costs.

Ms. Wynn: If they have an e-mail get your e-mail up here it was excellent. That's a bellyache that I have heard almost since the day I moved into Bel Aire in 1970-something.

Guy MacDonald: No report Mr. Mayor.

Dr. Becker: Ok. The first thing I want to say is I really enjoyed the tweeting tour on Wednesday July the 20th when it was 100 degrees outside and our Public Works Department and I imagine it was Tristin, I don't know who else, was going around the city working and taking care of business in that horrible hot hot heat and reporting via Twitter. And this is really cool the way this is I think is this the second time they've done something like this? If you have Twitter or don't, sign up for it because it is very informative and I thoroughly enjoyed it even though it was so hot it almost made me hot at home just to think about them out there in the heat. That was really good and I hope that they continue to do that, that was just excellent. And it

gives you an appreciation for what our city employees do and sometimes you might not have any idea what they do and they just report throughout the day of all the various places they are going and things they are doing so it's really wonderful. The second thing I wanted to talk about it is, you know we're always so glad to have people come speak to us. That is something we wish would happen every single meeting because we want people to share their thoughts with us even if it's about something we need to take care of like last meeting. We heard about some flooding issues that we really need to get out and take care of and I think we've already addressed that. Even if it isn't the most fun or the best news we've ever heard we still like to hear it because that's what we're here for to hear from citizens. Furthermore, I want to say that my parents were great believers in education and they always said to us that we have a right to our opinion. We had a lot of debates in the family we liked to debate each other about all kinds of issues and my dad always says, you have a right to your opinion because we live in America and we have the freedom to express our opinion. And that's a precious, wonderful, wonderful freedom that we have here and like I say we always want to hear people's opinions if maybe they are negative sometimes or we don't agree with them we still want to hear them. But my dad was also very adamant in saying we have a right to our opinion but we do not have the right to make up facts. That's what I tell my students too when my students are doing discussions they can state any opinion they want, they have a right to their opinion but they have to state it as an opinion not as a fact. So when I was looking through the minutes I did want to say a few words about a couple things I noticed in there. I kind of noticed this at our last meeting and I made a couple of little statements about it and I think I said at that time we can't bare false witness nor should we use incendiary language and that is misspelled in our minutes and I may have said it wrong so it was hard to understand but it should be spelled, incendiary. That's language which is kind of like setting things on fire or maybe even an explosion by definition so we have to be careful about our words because sometimes our words can be a little bit much. And so there were a couple of things that were said and by the way that's on the bottom of page 8 if you want to correct that Jamie. No one on the council has ever said, that I know of, has ever stated that Jim Dunning is responsible for the sewer issue that we've been discussing the last few weeks. As far as I know nobody on the council has ever said that. So I just want to make that clear because we don't want anybody that might read those minutes to think that somebody on the council said that because as far as I know nobody has. I also wanted to say that there has been zero attempt at covering up this issue. I don't know of any way the staff, or any of the employees, or any of the council members have tried to cover this up in any way. After all it was the transparency of a council member that brought this to light or nobody would even know anything about it to this day. I think the city, and the staff, and the council, and the Mayor have been perfectly transparent, no cover-up what so ever. Just for clarification. No somebody may have that opinion, but there's a difference in opinion and fact. And then lastly I don't think that as far as I know anybody on our staff, nor the Mayor, nor the Council has ever ever blamed those who were overcharged. Why would we do that? I don't think we ever had and that's what it reads in the minutes. And that's just a clarification. It can very well be somebody's opinion, everybody has a right to their opinion but as far as I know that is not a fact

and so I just wanted to say those things after I read the minutes and just remind everybody we have to be very careful. We all have a right to our opinions just like my dad always says you have a right to your opinion in this country and we do but we need to make sure we state things as opinions when that's what they are. So thank you.

Mayor Austin: Thank you. I just want to remind everybody at home that we just heard that the words we may have said or may not have said, one thing that's really neat is every single one of our meetings you guys can go back and watch YouTube and hear exactly verbatim what was said. Those are online, those are archived, and our YouTube numbers are skyrocketing these past 3 months. So everybody out there get informed and you can hear exactly what was said up here by any of us at any time. With that let's go ahead and continue onto reports with our City Manager.

C. City Manager Report

Mr. Lasher: Thank you Mayor just a couple items, I wanted to follow up on Mr. Ackerman he had mentioned the cleanup day. The community cleanup day we had a couple weeks ago and they counted 292 people attended that, but 90% was people dropping off brush. Some people did bring some old things they did not want anymore and they had the trash trucks there to haul it off, but most of it was brush. I think with all of the wind like Mr. Ackerman said we have had a lot of brush issues this year that was well attended and like I said the new contract with Waste Connections we will probably schedule another one this fall but it will actually be curbside pickup and once we get that scheduled we'll let all of the citizens know so they won't have to worry about actually taking their trash to the brush site, the brush will still have to go to the brush site though. Actual sofas and old junk like that they'll actually pick up.

Dr. Becker: And when did you say that will be?

Mr. Lasher: We don't have it set yet so as soon as we get it set, we're thinking October? Late October.

Dr. Becker: Ok great somebody had sent me an e-mail about that.

Mr. Lasher: As soon as we get it worked out with Waste Connections then we'll get it out so everybody knows what day and time that will be so they can take it to their driveway for that. And then the last thing is pretty exciting. We received a 2016 KDHE grant, recycling grant in the amount of \$24,000 and what we're using those funds for is to put in a pour in place surface for the Park up here in Central Park. If anybody has been to the Bel Aire Park and the playground there they know that spongy surface is what's called a pour in place and it's for the safety of little kids if they fall off they can kind of bounce a little bit on that and it's not in the sand or dirt or whatever. We're fortunate to get that grant it will cover doing the pour in place for the Park here in Central Park. As soon as we get that grant money in you'll be seeing, we'll be getting costs for that and bringing that for your approval. That was all I had Mayor.

D. Committees/Boards/Commissions Reports

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS:

- A. Consideration of approving the 2017 City of Bel Aire budget for publication and establish a public hearing at the Special City Council meeting on August 9, 2016

MOTION: Mr. MacDonald made a motion to approve the City of Bel Aire 2017 Budget as presented by City Manager and Staff for publication and schedule the public hearing on August 9, 2016 at 6:30 pm Seconded by Dr. Becker. **Motion carried 4-0.**

- B. Consideration of **A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION AND CONSTRUCTION OF A COMMERCIAL FACILITY TO BE LOCATED IN SAID CITY. (Epic)**

MOTION: Dr. Becker made a motion to approve **A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION AND CONSTRUCTION OF A COMMERCIAL FACILITY TO BE LOCATED IN SAID CITY** and authorize the Mayor to sign. Seconded by Ms. Martine. **Motion carried 4-0.**

- C. Consideration of refunds for certain utility overcharges based on the audit conducted by Allen, Gibbs & Houlik from 1/1/2003 to 12/31/2007.

MOTION: Mr. MacDonald made a motion to approve the repayment of certain utility overcharges by the City of Bel Aire to accounts identified in the Allen, Gibbs, & Houlik audit. Seconded by Dr. Becker. **Motion carried. 3-0.** Ms. Martine recused herself from the vote.

- D. Consideration of **AN ORDINANCE AUTHORIZING THE SALE AND DISPOSITION OF CERTAIN PROPERTY UNDER A LEASE BETWEEN THE CITY OF BEL AIRE, KANSAS AND THE CITY OF BEL AIRE, KANSAS PUBLIC BUILDING COMMISSION.**

MOTION: Ms. Wynn made a motion to approve **AN ORDINANCE AUTHORIZING THE SALE AND DISPOSITION OF CERTAIN PROPERTY UNDER A LEASE BETWEEN THE CITY OF BEL AIRE, KANSAS AND THE CITY OF BEL AIRE, KANSAS PUBLIC BUILDING COMMISSION** and authorize the Mayor to sign. Seconded by Ms. Martine. **Motion carried 4-0.**

Roll Call:

Dr. Ramona Becker: Aye

Guy MacDonald: Aye

Betty Martine: Aye

Peggy O'Donnell: Absent Diane Wynn: Aye

E. Consideration of AN ORDER VACATING CERTAIN PORTIONS OF A DRAINAGE AND UTILITY EASEMENT ON PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS. (Courtyards at Elk Creek Reserve C).

MOTION: Dr. Becker made a motion to approve **AN ORDER VACATING CERTAIN PORTIONS OF A DRAINAGE AND UTILITY EASEMENT ON PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS** and authorize the Mayor to sign. Seconded by Ms. Martine. **Motion carried 5-0.**

Roll Call:

David Austin: Aye Dr. Ramona Becker: Aye Guy MacDonald: Aye

Betty Martine: Aye Peggy O'Donnell: Absent Diane Wynn: Aye

F. Consideration of AN ORDER VACATING CERTAIN PORTIONS OF A DRAINAGE AND UTILITY EASEMENT ON PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS. (Courtyards at Elk Creek Lot 26, Block 3).

MOTION: Mr. MacDonald made a motion to approve **AN ORDER VACATING CERTAIN PORTIONS OF A DRAINAGE AND UTILITY EASEMENT ON PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS** and authorize the Mayor to sign. Seconded by Ms. Martine. **Motion carried 5-0.**

Roll Call:

David Austin: Aye Dr. Ramona Becker: Aye Guy MacDonald: Aye

Betty Martine: Aye Peggy O'Donnell: Absent Diane Wynn: Aye

G. Consideration of ending the Home Marketing Incentives Program offered by the City of Bel Aire effective December 31, 2016.

MOTION: Ms. Wynn made a motion to approve canceling the Bel Aire Home Marketing Incentives Program effective December 31, 2016 and notify real estate companies. Seconded by Mr. MacDonald. **Motion carried 4-0.**

H. Consideration of AN ORDINANCE CONCERNING THE ADOPTION OF CHAPTER 14, ARTICLE 3, OF THE MUNICIPAL CODE OF BEL AIRE, KANSAS, IN CONNECTION WITH THE ESTABLISHMENT OF A

**STORMWATER MANAGEMENT SYSTEM AND UTILITY, ALL WITHIN
THE CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS.**

MOTION: Ms. Wynn made a motion to approve **AN ORDINANCE CONCERNING THE ADOPTION OF CHAPTER 14, ARTICLE 3, OF THE MUNICIPAL CODE OF BEL AIRE, KANSAS, IN CONNECTION WITH THE ESTABLISHMENT OF A STORMWATER MANAGEMENT SYSTEM AND UTILITY, ALL WITHIN THE CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS** and authorize the Mayor to sign. Seconded by Mr. MacDonald. **Motion carried 4-0.**

Roll Call:

Dr. Ramona Becker: Aye

Guy MacDonald: Aye

Betty Martine: Aye

Peggy O'Donnell: Absent

Diane Wynn: Aye

XII. DISCUSSION AND FUTURE ISSUES:

- Special Meeting for Budget Hearing on August 9th at 6:30 pm.
- Council workshop on August 9th immediately following the Special Meeting.
- Mayor Austin would like to reappoint James Schmidt and Craig Pumphrey to the Planning Commission at the next Council meeting.
- Mayor Austin would like to appoint Stephen Crook to a vacant seat on the Planning Commission at the next Council meeting.

XIII. EXECUTIVE SESSION: Mayor Austin asked for an executive session for Attorney Client for a total of 5 minutes with the City Manager and City Attorney.

MOTION: Mr. MacDonald made a motion to go into Executive Session for a period of 10 minutes for Attorney Client and to invite in the City Manager and City Attorney. Seconded by Dr. Becker. **Motion carried 4-0.**

Executive session began at 8:03 pm

Executive session ended at 8:14 pm and no binding action was taken.

XIV. ADJOURNMENT

MOTION: Ms. Martine made a motion to adjourn. Seconded by Mr. MacDonald.

Motion carried 4-0.

Meeting adjourned at 8:15 pm

Submitted by Jamie Hayes, City Clerk/Utility Clerk
Next scheduled meeting August 2, 2016 at 7:00 pm

Notice

It is possible that sometime between 6:30 and 7:00 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of

City Hall .No one is excluded from these areas during those times. Channel 7 rebroadcasts of this meeting are scheduled daily.

Please make sure cell phones are turned off and put away.